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14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF LOS ANGELES**

16 **ADRIAN RISKIN,**

17 Petitioner,

18 vs.

19 **PARTNERSHIPS TO UPLIFT COMMUNITIES,**
20 Respondent.
21

Case No. 20STCP00245

**Verified Petition for Writ of Mandate
Ordering Compliance with the California
Public Records Act**

[Government Code §§ 6250 *et seq.*; Code of
Civil Procedure § 1085]

1 Petitioner Adrian Riskin petitions this Court for a writ of mandate requiring Respondent Partnerships
2 to Uplift Communities (“PUC”) to immediately make available to Petitioner public records lawfully
3 requested by Petitioner pursuant to the California Public Records Act (“CPRA”), Government Code §
4 6250, *et seq.* Petitioner also respectfully requests that this Court grant relief in the form of costs of suit,
5 attorney’s fees, and other appropriate and just relief resulting from Respondent’s unlawful conduct.
6 Petitioner alleges as follows:

7 **PARTIES**

8 1. Petitioner Dr. Adrian Riskin is a resident of Los Angeles, professor at a local college, and an open
9 records activist. Using the CPRA to investigate and understand the activities of the Los Angeles City
10 government, Riskin makes all his findings freely available to the public through blogging and community
11 events. Though his CPRA work covers many local government agencies, public records obtained by
12 Riskin regarding charter schools have been written about in the Los Angeles Times, and featured in
13 advertisements by United Teachers Los Angeles. Riskin has also helped to empower the public by
14 publishing a guide to the practical use of the CPRA in the City of Los Angeles. Riskin is a member of the
15 public within the meaning of §§ 6252(b)-(c).

16 2. Respondent PUC is an entity managing a charter school subject to the CPRA under Education
17 Code § 47604.1(b)(2).

18 **JURISDICTION AND VENUE**

19 3. This court has jurisdiction over this petition pursuant to Government Code sections 6258 & 6259
20 and Code of Civil Procedure § 1085.

21 4. Venue is proper in this Court. The records in question, or some portion of them, are situated in the
22 County of Los Angeles. *See* Gov’t Code § 6259(a). Also, Respondent’s principle place of business is
23 located in the County of Los Angeles. *See* Code Civ. Proc. § 395.5.

24 **GENERAL ALLEGATIONS**

25 5. This dispute arises from the failure of PUC to respond to a request for public records.

26 6. On June 11, 2019, Petitioner made a records request on Respondent pursuant to the CPRA. The
27 request gave a timeframe, and asked for a limited number of specified emails. A true and correct copy of
28 the request is attached as Exhibit A.

7. All entities subject to the CPRA are required to respond within 10 days from the receipt of the request with a determination of whether the agency possesses responsive documents. *See* Gov't Code section 6253(c).

8. On June 23, 2019, 11 days after submitting his request, Petitioner had received no response and emailed Respondent to check on the status of his request. A true and correct copy of this email is attached as Exhibit B.

9. On July 8, 2019, 26 days after submitting his request, Petitioner had received no response and again emailed Respondent to check on the status of his request. A true and correct copy of this email is attached as Exhibit C.

10. On September 22, 2019, 111 days after submitting his request, Petitioner informed Respondent that he would, “proceed as if your school had explicitly denied me access to these public records” unless Petitioner had received a response by September, 27, 2019. A true and correct copy of this email is attached as Exhibit D.

11. Petitioner has not received any response from Respondent regarding his June 11, 2019 CPRA request.

CAUSE OF ACTION

For Violations of the California Public Records Act, Gov't Code § 6250 *et seq.*

12. Petitioner realleges and incorporates by reference the preceding paragraphs in this Petition.

13. Pursuant to Government Code § 6258, any persons may “institute proceeding for injunctive or declaratory relief or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or receive a copy of any public record or class of public records under this chapter.”

14. The records Petitioner seeks are public records, i.e., writings related to the conduct of the public's business.

15. Upon information and belief, Petitioner alleges that Respondent prepared, retained, used, or has control or constructive possession of public records that are responsive to Petitioner's request.

16. Petitioner alleges in accordance with Government Code § 6259(a) that the information it seeks from Respondent is maintained in Los Angeles County.

17. Respondent's failure to provide responsive public records violates the CPRA.

1 18. Petitioner requests that this Court issue a writ of mandate compelling Respondent to release the
2 requested records.

3 **REQUEST FOR RELIEF**

4 WHEREFORE, Petitioner respectfully requests judgement as follows:

5 1. That the Court issue a peremptory writ of mandate directing Respondent to make all requested
6 documents available for inspection and provide a quote for direct costs of duplication of the records within
7 10 days of this Court's order directing that they do so;

8 2. That the Court enter an order awarding Petitioner his costs of suit and reasonable attorney's fees
9 and costs incurred in bringing this litigation;

10 3. For such other relief as this Court deems just and proper.

11
12 Dated: 1/17/2020

13 By: /s/ Robert Ian Stringham
14 Robert Ian Stringham

15 By: /s/ Tasha Alyssa Hill
16 Tasha Alyssa Hill

17 Attorneys for Petitioner
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1 **VERIFICATION**

2 I, Adrian Riskin, have read the foregoing Petition for Writ of Mandate and know the contents thereof.
3 The same is true of my own knowledge, except as to those matters alleged on information and belief,
4 and, as to those matters, I also believe them to be true.

5
6 I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

7
8 Executed on JANUARY 13, 2020, in Los Angeles, California.

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10 By: 
11 Adrian Riskin
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EXHIBIT A

Subject: CPRA request (PUC.2019.06.11.a)

From: adrian@123mail.org

Date: 6/11/19, 10:57 AM

To: c.rivas@pucschools.org, j.marin@pucschools.org, n.mejia@pucschools.org

Good morning, PUC.

I would like to take a look at, possibly to obtain copies of, the following records:

1. Emails in the possession of Natalie Mejia from between January 1, 2018 and June 11, 2019 that meet ANY ONE of the following criteria:

- a. Are to/from/cc/bcc anyone at the domain ganasacademy.org
- b. Are to/from/cc/bcc anyone at the domain buildingexcellentschools.org
- c. Are to/from/cc/bcc sakjain83@gmail.com
- d. Are to/from/cc/bcc nit.prakash@gmail.com
- e. Contain the word "ganas"
- f. Contain the word "sakshi"

2. Emails in the possession of Ms. Rivas, Mr. Marin, Ms. Wechsler, or Ms. Mejia in the same time range which are to/from/cc/bcc anyone at any of the following domains:

- a. lacity.org
- b. lausd.net
- c. ccsa.org

Please note that I need to see copies of the emails in native format as required by the CPRA at Section 6253.9(a)(1). Native formats for emails are MBOX, EML, or MSG. I also need to see all attachments to these emails in their native formats. Please note that when you provide emails in native format their attachments are automatically included in native format.

If you find it necessary to redact any of the emails, please note that both EML and MBOX are text formats. The files can be opened in any text editor, e.g. Notepad, and segregable exempt material can be redacted by replacing it with innocuous symbols, e.g. ++++++. Any other method of redaction destroys the essential character, i.e. the searchability and sortability, of the record and violates the CPRA at section 6253.9(a)(1). This method of redaction is probably easier for you as well since it allows for search and replace.

Additionally, please note that a version of a given email in one mailbox is a distinct record from a version in a different mailbox, so all such extant versions must be produced in response to this request.

Finally, if you choose to withhold or redact any records responsive to this request, please take measures as you would under a standard litigation hold not to delete those records until we have settled any disputes over claimed exemptions to our mutual satisfaction. If there are any records which would be responsive but for the fact that you've chosen not to consider them to be public records for any reason, please inform me of their existence and retain those under the same terms.

Thanks!

Adrian

EXHIBIT B

Subject: Re: CPRA request (PUC.2019.06.11.a)

From: adrian@123mail.org

Date: 6/23/19, 9:21 PM

To: c.rivas@pucschools.org, j.marin@pucschools.org, n.mejia@pucschools.org

Good evening, PUC.

I'm just wondering what's up with this. A response was due on Friday.

thank you,

Adrian

On Tue, Jun 11, 2019, at 10:57 AM, adrian@123mail.org wrote:

Good morning, PUC.

I would like to take a look at, possibly to obtain copies of, the following records:

1. Emails in the possession of Natalie Mejia from between January 1, 2018 and June 11, 2019 that meet ANY ONE of the following criteria:

- a. Are to/from/cc/bcc anyone at the domain ganasacademy.org
- b. Are to/from/cc/bcc anyone at the domain buildingexcellentschools.org
- c. Are to/from/cc/bcc sakjain83@gmail.com
- d. Are to/from/cc/bcc nit.prakash@gmail.com
- e. Contain the word "ganas"
- f. Contain the word "sakshi"

2. Emails in the possession of Ms. Rivas, Mr. Marin, Ms. Wechsler, or Ms. Mejia in the same time range which are to/from/cc/bcc anyone at any of the following domains:

- a. lacity.org
- b. lausd.net
- c. ccsa.org

Please note that I need to see copies of the emails in native format as required by the CPRA at Section 6253.9(a)(1). Native formats for emails are MBOX, EML, or MSG. I also need to see all attachments to these emails in their native formats. Please note that when you provide emails in native format their attachments are automatically included in native format.

If you find it necessary to redact any of the emails, please note that both EML and MBOX are text formats. The files can be opened in any text editor, e.g. Notepad, and segregable exempt material can be redacted by replacing it with innocuous symbols, e.g.

+++++. Any other method of redaction destroys the essential character, i.e. the searchability and sortability, of the record and violates the CPRA at section 6253.9(a)(1). This method of redaction is probably easier for you as well since it allows for search and replace.

Additionally, please note that a version of a given email in one mailbox is a distinct record from a version in a different mailbox, so all such extant versions must be produced in response to this request.

Finally, if you choose to withhold or redact any records responsive to this request, please take measures as you would under a standard litigation hold not to delete those records until we have settled any disputes over claimed exemptions to our mutual satisfaction. If there are any records which would be responsive but for the fact that you've chosen not to consider them to be public records for any reason, please inform me of their existence and retain those under the same terms.

Thanks!

Adrian

EXHIBIT C

Subject: Re: CPRA request (PUC.2019.06.11.a)

From: adrian@123mail.org

Date: 7/8/19, 9:11 AM

To: c.rivas@pucschools.org, j.marin@pucschools.org, n.mejia@pucschools.org

Good morning, PUC.

Please don't continue to ignore this request. A response is long overdue.

Thanks!

Adrian

On Sun, Jun 23, 2019, at 9:21 PM, adrian@123mail.org wrote:

Good evening, PUC.

I'm just wondering what's up with this. A response was due on Friday.

thank you,

Adrian

On Tue, Jun 11, 2019, at 10:57 AM, adrian@123mail.org wrote:

Good morning, PUC.

I would like to take a look at, possibly to obtain copies of, the following records:

1. Emails in the possession of Natalie Mejia from between January 1, 2018 and June 11, 2019 that meet ANY ONE of the following criteria:
 - a. Are to/from/cc/bcc anyone at the domain ganasacademy.org
 - b. Are to/from/cc/bcc anyone at the domain buildingexcellentschools.org
 - c. Are to/from/cc/bcc sakjain83@gmail.com
 - d. Are to/from/cc/bcc nit.prakash@gmail.com
 - e. Contain the word "ganas"
 - f. Contain the word "sakshi"
2. Emails in the possession of Ms. Rivas, Mr. Marin, Ms. Wechsler, or Ms. Mejia in the same time range which are to/from/cc/bcc anyone at any of the following domains:
 - a. lacity.org
 - b. lausd.net
 - c. ccsa.org

Please note that I need to see copies of the emails in native format as required by the CPRA at Section 6253.9(a)(1). Native formats for emails are MBOX, EML, or MSG. I also need to see all attachments to these emails in their native formats. Please note that when you provide emails in native format their attachments are automatically included in native format.

If you find it necessary to redact any of the emails, please note that both EML and MBOX are text formats. The files can be opened in any text editor, e.g. Notepad, and segregable exempt material can be

redacted by replacing it with innocuous symbols, e.g. ++++++. Any other method of redaction destroys the essential character, i.e. the searchability and sortability, of the record and violates the CPRA at section 6253.9(a)(1). This method of redaction is probably easier for you as well since it allows for search and replace.

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Finally, if you choose to withhold or redact any records responsive to this request, please take measures as you would under a standard litigation hold not to delete those records until we have settled any disputes over claimed exemptions to our mutual satisfaction. If there are any records which would be responsive but for the fact that you've chosen not to consider them to be public records for any reason, please inform me of their existence and retain those under the same terms.

Thanks!

Adrian

EXHIBIT D

Subject: Re: CPRA request (PUC.2019.06.11.a)

From: adrian@123mail.org

Date: 9/23/19, 6:47 PM

To: c.rivas@pucschools.org, j.marin@pucschools.org, n.mejia@pucschools.org

Good day, PUC!

I'm just wondering what is going on with this. If I don't have a good faith estimate of a production schedule by Friday, September 27, I will proceed as if you've explicitly denied me access to these records.

thanks!

Adrian

On Mon, Jul 8, 2019, at 9:11 AM, adrian@123mail.org wrote:

Good morning, PUC.

Please don't continue to ignore this request. A response is long overdue.

Thanks!

Adrian

On Sun, Jun 23, 2019, at 9:21 PM, adrian@123mail.org wrote:

Good evening, PUC.

I'm just wondering what's up with this. A response was due on Friday.

thank you,

Adrian

On Tue, Jun 11, 2019, at 10:57 AM, adrian@123mail.org wrote:

Good morning, PUC.

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- c. Are to/from/cc/bcc sakjain83@gmail.com
- d. Are to/from/cc/bcc nit.prakash@gmail.com
- e. Contain the word "ganas"
- f. Contain the word "sakshi"

2. Emails in the possession of Ms. Rivas, Mr. Marin, Ms. Wechsler, or Ms. Mejia in the same time range which are to/from/cc/bcc anyone at any of the following domains:

- a. lacity.org
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Please note that I need to see copies of the emails in native format as required by the CPRA at Section 6253.9(a)(1). Native formats for emails are MBOX, EML, or MSG. I also need to see all attachments to these emails in their native formats. Please note that when you provide emails in native format their attachments are automatically included in native format.

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Thanks!

Adrian